

PLANNING COMMITTEE



WEDNESDAY, 30 APRIL 2025 - 1.00 PM

PRESENT: Councillor D Connor (Chairman), Councillor C Marks (Vice-Chairman), Councillor I Benney, Councillor Mrs J French, Councillor R Gerstner, Councillor S Imafidon and Councillor E Sennitt Clough,

Officers in attendance: Matthew Leigh (Head of Planning), David Rowen (Development Manager), Danielle Brooke (Senior Development Officer), Alan Davies (Principal Planning Officer), Stephen Turnbull (Legal Officer) and Jo Goodrum (Member Services & Governance Officer)

P120/24 PREVIOUS MINUTES

The minutes of the meeting of 2 April 2025 were confirmed and signed as an accurate record.

P121/24 F/YR21/0852/O **FRIDAYBRIDGE AGRICULTURAL CAMP, 173 MARCH ROAD, FRIDAY BRIDGE** **ERECT UP TO 102 X DWELLINGS, A COMMUNITY BUILDING/MUSEUM AND** **SPORTS CHANGING FACILITIES INVOLVING THE DEMOLITION OF EXISTING** **BUILDINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)**

David Rowen presented the report to members and drew attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Gareth Edwards, the agent. Mr Edwards stated that the process for this site was started in 2018 with a meeting with the then Head of Planning, Nick Harding, and the ward councillor, Will Sutton, as WMS were concerned with what the effect of Brexit would have on the camp and its numbers. He expressed the opinion that it was agreed that the site was residential in form and the principle of residential development on a brownfield site was the most obvious long-term solution.

Mr Edwards expressed the view that the camp has the capacity for over 300 people to reside and prior to Brexit this was being achieved, however, at present it is running with between 100-150 which does increase slightly as the season goes on but to break even they need around 200 people. He stated that the majority of the people housed here at present are via the six month visa agricultural workers scheme, which WMS have a year left on this agreement and the maximum charge for individuals is set at £74 per week, with individuals having shared accommodation of up to 10 to a dorm with communal kitchen and bathroom facilities.

Mr Edwards stated that the company operates a fleet of 20 minibuses from the site along with 4 coaches to take individuals to and from their place of work. He added that WMS are looking at all options for the site and have had contact to provide accommodation for immigrants as well as contact with Platform Housing.

Mr Edwards made the point that the facilities that the camp offer are basic and only residential accommodation is provided in two accommodation blocks that were built in the 90s. He added that the number of former prisoner of war blocks were demolished to make way for these buildings and the remainder have fallen into various stages of disrepair, with the former clubhouse which was the officer's mess also being closed as it is unsafe and the only buildings that are in use at the moment are the shop and offices at the front.

Mr Edwards stated that they have dealt with a number of different planning and conservation officers throughout the 4-year process of this application which has led to a number of changes and various reports being commissioned to answer any queries raised. He understands the feelings towards the camp but as the report states an application was made to Historic England for listing and their view was not to list it due to its lack of completeness.

Mr Edwards expressed the view that WMS need to look at all options as the camp is now holding the company back and as a labour provider they are having to look elsewhere. He made the point that the application has the support of a number of consultees and it should be noted that the drawings are indicative, with the exact type of accommodation being part of any future reserved matters application and will take into account existing trees, the buildings shown to be retained and potentially lead to BNG being kept on site.

Mr Edwards referred to the reasons for refusal, firstly the camp and buildings already exist and it is not anticipated that the built form would move any further east than it exists and other than the newer accommodation blocks the buildings are not capable of conversion. He stated that all of the existing boundary treatments are to remain so the development will not be seen from the public realm.

Mr Edwards referred to refusal reason two and stated that the site has a public footpath on the opposite side of the road which not only provides access to Friday Bridge it continues to Wisbech and residents from the camp can often be seen using it. He stated there is also a public transport bus service from a bus stop at the front with good visibility for pedestrians to cross the road in each direction.

Mr Edwards referred to refusal reason 3, the site is not seen from the public realm and will not extend beyond what exists at present. He stated in relation to refusal reason 4, the buildings are in a poor state of repair, which, in his view, is understandable as they were not expected to be there for this length of time and English Heritage do not consider they should be listed.

Mr Edwards reiterated that the scheme drawings are indicative and the reserved matters can be designed to accommodate the requirements of each dwelling while retaining trees and buildings. He referred to refusal reason 6 and stated that they have provided the officer with a letter from MTP on behalf of Platform Housing who would be keen on purchasing the site for an 100% affordable scheme and they have also provided the heads and terms in relation to conditions 7 and 8 to secure contributions for BNG.

Mr Edwards hoped that members would be able to support the application with the conditions and Section 106 agreements appropriate, allowing WMS to move forward.

Members asked questions of Mr Edwards as follows:

- Councillor Gerstner questioned some late changes being submitted to the application and asked if the effect 102 dwellings may have on a small village in respect of its infrastructure has been considered? Mr Edwards responded that they are happy to enter into a Section 106 for any payments that would be required towards education and the letter from MTP and Platform Housing was not received until last week in relation to 100% affordable housing and was provided as soon as received. Councillor Gerstner stated that he does not think the question about the effect of 102 houses on the infrastructure in a small village like Friday Bridge has been answered? Mr Edwards acknowledged that there will be an effect and that is why the Section 106 will allow for payments to be made to contribute towards improving facilities as necessary.
- Councillor Mrs French raised concern with the likelihood of flooding, with Anglian Water stating that there is a possibility there could be flooding downstream, which Anglian Water could not cope with as Elm is full. She asked where does the sewage go presently, is it cesspits or tankered away? Mr Edwards responded that there is a treatment works that is

solely for the use of the camp.

- Councillor Mrs French made the point that with regard to Section 106 when it is 100% affordable there is very little other contributions required so by approving 102 homes it is going to totally saturate the village, schools and doctors cannot take the residents and she finds it unsatisfactory.
- Councillor Imafidon referred to the comment about the footpath continuing to Wisbech and the site being used for housing immigrants and requested an explanation. Mr Edwards responded that because the numbers since Brexit have decreased significantly the camp is not being run at capacity so there has been a need to look for alternative measures and they have had conversations with Serco on the potential for providing accommodation but nothing has gone further and it is only options being looked at currently. He added that the footpath is opposite the access and runs all the way along into Friday Bridge and then continues through Elm into Wisbech.
- Councillor Marks referred to mention of the applicant speaking to Serco and asked if this is to retain the buildings as they are if the site becomes an immigration holding point? Mr Edwards responded that there are 2 blocks that are used at present to house the workers and they were both built in the 1980-90s, indicating on the plan where they are located, so that is where they would stay in that accommodation. Councillor Marks asked if that would house 300? Mr Edwards confirmed that it does now. Councillor Marks questioned that it is quite possible that they could be used going forward and not do anything else on site. Mr Edwards confirmed potentially.
- Councillor Gerstner questioned that the road being 60mph? Mr Edwards confirmed it was at the front. Councillor Gerstner continued that predominantly the workers that are there at the moment are adult workers but 102 dwellings would normally consist of families and with affordable housing there would be children and those children would have to cross that 60mph speed limit to access a bus stop and asked if any thought had been given to mitigating the effects of this? Mr Edwards responded that speed reduction could be investigated to potentially achieve 40mph in this location, through the village itself it is 30mph, going into 40mph and then 60mph.
- Councillor Connor referred to the application being in progress for 4-years, asking why has nothing been undertaken about the 60mph road and why it was acceptable to change the application in the last 48 hours, which does not give officers time to peruse the changes and does not give time to committee to look at them and make comments. Mr Edwards responded that the additional information came forward in the heads of terms and the letter from Platform came in late, they have shown an interest but they are not saying it is a 100% scheme but is likely to be the way they would wish to move forward with the site. Councillor Connor expressed the opinion that it is an application that has not been thought out properly and is an incomplete application. Mr Edwards disagreed, they have answered all queries as they have arisen and there has been many different officers involved which has added to the timeframe. He added that the letter came in from Platform at the last minute, it was known they were talking to the applicant but the applicant is talking to several different people as they cannot afford to keep running the camp and are looking at various options.

Members asked questions of officers as follows:

- Councillor Mrs French referred to the potential for 100% affordable housing and asked how much Section 106 contributions could be achieved? David Rowen responded that the current adopted policy of the Council in the Developer Contributions SPD is that for 100% affordable schemes no other financial contributions are applicable.

Members made comments, asked questions and received responses as follows:

- Councillor Benney made the point that in the presentation it was heard that the company is struggling and it needs to look for other means of money, but, in his view, this proposal is not it as planning is about land usage and it is 1½ kilometres away from the village, it is not connected and is in the wrong place. He added that committee is not here to prop businesses up and they need to look at their own business model and if it is not working

adapt that and not come to the Council for housing in the wrong place. Councillor Benney stated that the development does look nice but it is just in the wrong place, there are safety issues with it and he feels that officers have the recommendation correct.

- Councillor Mrs French agreed with the comments of Councillor Benney but she is more concerned about the flooding downstream and committee should not be approving something that in the future where someone is going to have to deal with flooding. She referred to the flooding issues previously in Fenland and made the point that Elm did flood.
- Councillor Marks questioned what detriment this development would bring to the area if the camp is taken away and how it will affect Fenland businesses. He feels it needs to be borne in mind that there is a camp, with buildings built in the 1980-90s so it would have been built to a standard, so why would it be taken away when it is already known there is limited availability for short-term accommodation and planning will then get a lot more mobile homes applications around the area with farmers struggling that they have got nowhere to go. Councillor Marks stated that Friday Bridge was mentioned in an application in Manea and when the Inspector looked at it said that Friday Bridge was there and, therefore, not as many bed and breakfast or similar accommodation is required within the area. He added that he cannot support this application.
- Councillor Connor expressed the opinion that this is a poor application, there is a 60mph road, 102 houses going on the site without too much thought, flooding issues, and it is a mile and a half out of the village.
- Councillor Marks referred to an Anglian Water meeting he was at the previous evening about Chatteris Reservoir and one of things they are conscious of is accommodating local workers so maybe instead of taking away properties for bed and breakfast accommodation or similar the company should look at this instead of building residential in the middle of nowhere.
- Councillor Mrs French stated that the speed limit is 60mph and there have been numerous accidents in this location, which has some nasty bends, but the County Council only record fatalities. She feels for children to be expected to walk to school 1.5 miles away is unrealistic.

Proposed by Councillor Imafidon, seconded by Councillor Mrs French and agreed that the application be REFUSED as per officer's recommendation.

**P122/24 F/YR23/1021/F
LAND SOUTH OF SELWYN FARM, 71 SOUTH BRINK ACCESSED VIA ELLERBY
DRIVE, WISBECH
ERECT 12X DWELLINGS (7 X 2-STOREY 3-BED AND 5 X 2-STOREY 2-BED) AND
ASSOCIATED GARAGES**

Danielle Brooke presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Gareth Edwards, the agent. Mr Edwards made the point that the application comes with the support of officers and virtually all the statutory consultees apart from the Town Council but he hopes the committee will look favourably upon it. He stated that the comments of the Town Council are fair, however, this proposal is the last piece of the jigsaw and will allow all the roads and footpaths to be completed and adopted, with the applicant keen to move on site as soon as possible.

Mr Edwards advised that the application is to switch the extant approval for 26 mixed dwellings for 12 chalet bungalows and, in his view, the proposed dwellings will fit better with the already built dwellings on the site and very much look like Reason Homes properties. He stated that the overall development, open space and affordable homes exceed the current requirements and the proposal will reduce the number of dwellings by 14.

Mr Edwards stated that the applicant has reluctantly agreed to the NHS payment but it should be noted that he could have built the existing 26 units which did not require a contribution. He added that they have provided the solicitor details to make any revisions required to the Section 106 Agreement and hoped committee would be able to support the application with the conditions specified.

Members asked questions of Mr Edwards as follows:

- Councillor Sennitt Clough referred to Ellerby Drive being an unadopted road and in the objections there are concerns from residents about this so this proposal will be on an unadopted road going out into another unadopted road. She asked how he proposes to navigate this situation? Mr Edwards responded that due to the length of time this development started the whole section has to be adopted at the same time so it could not be partially adopted on a phased approach. He continued that the only reason it has not been adopted is because the road has not been finished but once this proposal is constructed and finished it will come forward for adoption. Councillor Sennitt Clough requested clarification that the road will be constructed up to adoptable standard? Mr Edwards confirmed that it will be adopted by County, both the existing and proposed roads.
- Councillor Imafidon made the point that it has been a long time since the first phases were completed and asked why it has taken so long to adopt it? He stated that there are a lot of developments where developers say the road is going to be to adoptable standards but then are not adopted so asked what is going to be different with this application? Mr Edwards responded that the agreement requires that either the original extant approval to be built out for it then to come forward and be adopted or this new proposal being developed for it to be adopted, which is a year long process from when it is completed and he is being told by Reason Homes that it will be adopted.
- Councillor Connor expressed the view that it has been 15 years and it has not been brought up to standard and he feels that Reason Homes have a history of this referring to a site in Doddington and asked what comfort can be provided to him that this will be undertaken. Mr Edwards responded that Reason Homes have confirmed to him that they want to get the construction phase of this proposal finished and signed off, he has not been involved with the other developments on the site but they are doing everything to adoptable standards with a view to it being adopted which would require the other roads to be finished. Councillor Connor sympathised with this but made the point that the County Council or this committee cannot make the applicant put a Section 38 on that road if they do not want to sign a Section 38. Mr Edwards stated that it is in the applicant's interest to receive the bond money back and get it finished.
- Councillor Mrs French asked, if this application is approved, when is work likely to start? She stated that she was on the committee when the original development was approved and with regard to adoption it is 2 years after it has been built. Mr Edwards responded that it is the last asset the applicant has in Wisbech now and they want to get it finished. Councillor Mrs French stated that it has taken a long time but credit to the company as the quality of their homes are good.
- Councillor Gerstner asked if the effect had been considered, if approved, the new building work would have on the existing residents and how are the building and the materials going to be accessed from the main highway? Mr Edwards responded that everything would have to come through the site, there is no access off South Brink, and there is a condition on the proposal for a management plan to be submitted.
- Councillor Imafidon stated that there is access from South Brink but whether it is suitable or not he does not know because it is speed and weight restricted.
- Councillor Connor referred to the attenuation pond, with Anglian Water being looked at to adopt this but as far as he is aware there has been no agreements with Anglian Water to take it on. He asked with the previous development and this new proposal will there be a management company if not adopted by Anglian Water? Mr Edwards responded that as far as he is concerned an agreement will be entered into with Anglian Water and there is no other solution as this is the intention.

Members made comments, asked questions and received responses as follows:

- Councillor Imafidon asked if there is way that a developer can be made to get the roads adopted? Matthew Leigh responded that there was not.
- Councillor Marks stated he listened to the presentation and there was one word that hit home, this was regarding the NHS and a reluctance to pay that contribution so if they are reluctant to do this how reluctant are they going to be regarding adoption of roads and everything else. He feels if some sort of safeguard can be put in place, if this application was approved, he would feel more comfortable than just passing it as this is the last development within the Wisbech area and there are alarm bells ringing.
- Councillor Connor suggested, with the committee's backing, that with the 12 houses that are proposed, if approved, that a condition is placed on the approval that only 9 can be occupied before the road is made up to adoptable standard, which will alleviate some of the problem here.
- Councillor Mrs French reiterated that she was on committee when the initial application was approved several years ago and there was going to be a doctor's surgery but thinks it was removed as it was not required and not due to reluctance. She expressed the view that the condition regarding building out of 9 might not be legal. Councillor Connor stated that this condition is permissible and Councillor Mrs French is correct in that the doctor's surgery was not needed at that time.
- Councillor Marks made the point that the reluctance was from what the agent said in his presentation about paying the money and was not in relation to the removal of the doctor's surgery from the proposal.
- Councillor Imafidon referred to the suggested condition proposed by Councillor Connor and asked what if the developer appeals or goes against this condition? David Rowen responded that the type of condition that Councillor Connor is indicating would be something along the lines of no more than 9 dwellings to be occupied prior to the road being brought up to adoptable standard or words to that effect and this would be a condition that would meet the relevant tests in terms of the lawfulness of a condition and if the committee is of the view that this is necessary to ensure that there is adequate access to these dwellings he can see no reason not to impose it. He added that this would only relate to the roads that are within the red line boundary of this application site so any other roads on this estate would not be included.
- Councillor Mrs French expressed the view that there are houses finished and the roads are not complete so members need to be careful that there are not bits of road that do not get finished.
- Councillor Connor expressed the opinion that his suggested condition will ensure that the roads on this application are complete, although the agent did indicate that all the roads would be to adoptable standard.

Proposed by Councillor Mrs French, seconded by Councillor Imafidon and agreed that the application be GRANTED as per the officer's recommendation, with the additional condition of no more than 9 dwellings being occupied prior to the road being brought up to adoptable standard.

(Councillor Imafidon declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Wisbech Town Council but takes no part in planning)

P123/24

FYR25/0058/O

LAND SOUTH OF 2B AND 2C BRIDGE LANE, WIMBLINGTON

ERECT UP TO 9 X DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

Danielle Brooke presented the report to members and drew attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Councillor Angela Johnson of Wimblington Parish Council. Councillor Johnson stated she is representing the Parish Council and local residents with strong objections to this application, fully supporting the officer's recommendation of refusal and reiterating the reasons for this refusal. She added that there are local concerns to those raised by the LLFA and Anglian Water.

Councillor Johnson stated that during the process of developing the Wimblington and Stonea Neighbourhood Plan there were a number of times when the issue of flooding was raised by residents and Bridge Lane is prevalent to these problems, not just surface water flooding but foul water and sewage problems, which is prior to the proposed construction of these nine dwellings. She expressed the view that flooding concerns relating to the dwellings to be constructed has been referenced, but it is also about the homes within that vicinity, with 2B and 2C having had extreme cases of high-water levels on the land surrounding their homes.

Councillor Johnson stated that Lily Avenue, which abuts one of the far corners, has experienced foul water problems resulting in Anglian Water having to come out to pump the drains. She expressed the view that Doddington waste water facility has regular visits from tankers removing excessive foul that cannot be dealt with at the facility.

Councillor Johnson stated that this site sits adjacent to the popular public right of way, the Woodman's Way, a promoted ramblers walk and part of the Meridian Walk, since part of the ditch at the access point from Bridge Lane was filled in the public right of way is also subjected to flooding. She expressed concern that the application includes the public right of way as part of the access road, which is a public road used by the public for leisure activities as well as a connection through to the village and its facilities.

Councillor Johnson stated that on the west side of the access there is a large telegraph pole which restricts the width of the proposed access, which will mean the edge of the road would be right alongside the bungalow on Bridge Lane. She feels sure that committee will have read through the objections raised by the local community that live in Bridge Lane and the village, the lane is exactly that, a single lane with no pedestrian path, which is a continuation of the Woodman's Way, with the walk there for people to enjoy the views of the open countryside and the natural historic environment of the Fens, not to be penned in by the view of a high fence, excessive trees or the side of a two-storey building.

Councillor Johnson requested, for all the right reasons raised by local residents, the Parish Council and the Planning Officer, that the application once again be refused.

Members asked questions of Councillor Johnson as follows:

- Councillor Gerstner asked if HGVs use this single-track lane? Councillor Johnson responded not anymore, a long time ago there used to be an HGV company, Clarks, but they were at the far end of Bridge Lane and did not come this far down, however, the refuse lorries do and that will create a problem because it is proposed to be a private road.
- Councillor Imafidon asked when the last incident was of foul water and sewage flooding? Councillor Johnson responded that when the real heavy downpours occurred in around 2021 where people were having sewage coming up through their toilets and up through the drains in their gardens. Councillor Imafidon asked if Anglian Water had taken any action since then? Councillor Johnson responded not along Bridge Lane, they have attended Lily Avenue and they have been questioned about it and have said there is ongoing developments.

Members received a presentation, in accordance with the public participation procedure, from Gareth Edwards, the agent. Mr Edwards reminded members that a similar application came before committee last year and they have acted upon the comments. He stated in relation to refusal

reason 2, they have provided the ecology assessment and BNG calculations, which is fully achieved on site and has the approval of the Council's ecologist.

Mr Edwards referred to refusal reason 3 and stated that negotiations have been entered into with Middle Level and a scheme has been agreed that they would be happy with, which makes improvements to the existing water course and provides more storage of surface water on site than is required for the development and should alleviate surface water flooding in the area and on the site. He expressed the view that as they are only looking for 9 dwellings this is a minor application that would not normally trigger a LLFA consultation so he was surprised to be asked for an extension of time to allow for this but agreed to it as they wanted to work proactively with the officers, however, they were not advised that the proposed response has been returned and found it posted online on 15 April so contacted officers to ask for an extension to allow them time to answer the questions only to be told that the Development Manager was minded not to agree an extension and advising them to withdraw the application.

Mr Edwards stated that he understands there is a need for applications to be determined as quick as possible but feels working together to overcome objections and finding solutions should, in his view, be taken into account. He advised they decided to go ahead with the application and liaised directly with the LLFA providing the revisions and additional information they required, with on 22 April receiving an email from them confirming they had no objections subject to a planning condition on the approval, which was forwarded to officers but they advised they would not be accepting the revisions so they have provided on screen the revised drawings as approved by the LLFA.

Mr Edwards referred to reason 1 of the earlier refusal and expressed the opinion that the officer's report draws from an appeal decision and Inspector's comments from an application which was in 2015 and the comments regarding the open and agricultural character of the area was somewhat different at that time to what it is now. He added that this is illustrated at 2.3 of the officer's report that at time the area marked white had been approved but not the other sites indicated, the numbers approved in the immediate vicinity according to the report is 194 dwellings since that appeal decision and approximately two-thirds of the land around the site has either been approved or is being approved and most of these sites were open to the public realm view whereas this site can only be viewed from the public footpath, being used for the grazing of horses for many years and not food production.

Mr Edwards stated that the site is bounded mostly with established hedging which is not being touched, the boundary with the public footpath they are providing a post and rail fence and hedge to maintain the width required and he would be happy to have a condition tying the height of these so there is surveillance over the public footpath as at present there is none. He expressed the opinion that the site is part of the built form, which is seen on 2.3 of the officer's report, which also shows to the east a recently constructed dwelling further back into the site and their site will provide alternative executive style dwellings for both self-build and smaller developers to purchase giving a diverse housing mix to the village and district as a whole.

Mr Edwards stated that refusal reason 2 has largely been covered with the lifting of the objection from the LLFA and the consultation with Middle Level, however, regarding the need for a sequential test due to surface water flooding, not only are they providing a positive solution to overcome this on site there has also been a recent appeal decision that if the site was found to provide wider sustainable benefits then planning permission could be granted despite the failure to comply with sequential test.

Members asked questions of Mr Edwards and Mr Love, the applicant, as follows:

- Councillor Mrs French referred to photographs being shown of the flooding in Bridge Lane in 2020 and asked if there has been any more flooding down this road since this time? Mr Love responded that there was the worst flooding in history in 2020, but it did not flood and

was drained into the substrate around the drain. He continued that they have included excavating part of the ditch in the revised scheme, which adds to the net biodiversity gain and they have 1,500 cubic yards extra in that attenuation pond. Mr Edwards added that the attenuation pond for the development requires it to be 347 metres cubed and they have provided an additional 1,500 metres cubed of storage on the site so it is four times bigger than it needs to be. Mr Love stated that not only is the site being drained but there is a net benefit to everyone surrounding it.

- Councillor Gerstner referred to the comments of the Parish Councillor with concerns about the public right of way and asked how they plan to address this? Mr Love responded that they have widened the public right of way, almost doubling it in size on the length of their field and he plans to put a post and rail fence along here that enables greater security and he will provide lighting so the public right of way can be used after dark. He continued that the right of way was provided so people could get access to the village.
- Councillor Imafidon asked if the public right of way will include a pedestrian path and in relation to the foul water and sewage problems that occurred previously what has been undertaken to address that issue? Mr Love responded that prior to the last application he provided land drainage at the rear of the two bungalows and it has not flooded since, however, in this application they have met with all the LLFA requirements and surpassed them considerably, there will be less water leaving the site if it is developed and they have alleviated the risk to the neighbours. He stated regarding the public footpath, they have widened it and will liaise with the Public Footpath Officer regarding the surface of it, he has lobbied for a surface. Mr Love expressed the opinion that lorries have used Bridge Lane and that is why he has some hard standing here but lorries have come in and out with no issues. Mr Edwards added that, regarding the sewage, they undertook a pre-app with Anglian Water who have said that they have capacity available.
- Councillor Mrs French referred to LLFA and the additional information submitted, which officers refused to accept and asked when it was submitted? Mr Love responded that it was on 17 April that it was refused by officers.

Members asked questions of officers as follows:

- Councillor Sennitt Clough asked for clarification on whether the path is a public right of way. Councillor Connor responded that it is a public right of way.
- Councillor Benney referred to the report stating that there is an Inspector's report that looked at the openness of the area but the applicant/agent said that this goes back to 2015. He asked for officers to clarify when this Inspector's report was? Danielle Brooke responded that the original application was in 2015 and it was dismissed at appeal in 2016, with there being a further refusal and appeal at around the same time, both of which suggested the openness of the character along Bridge Lane and particularly the land south of Bridge Lane which is part of this site. She added there has also been a recent refusal for the land immediately to the west and one of the reasons for refusal was again on the basis of character. Councillor Benney asked if there was an appeal on this decision? Danielle Brooke responded that this was a recent refusal, there may be one lodged but it has not come through yet.
- Councillor Gerstner referred to the map on screen showing planning applications surrounding the site and stated it looks built out already. Matthew Leigh made the point that not all those applications are approvals and there are some refusals also. David Rowen provided an explanation of each of the applications and made the point that this site and the site to the west, which was recently refused, are considered to form an open space and the last piece of open space along Bridge Lane and because of this it is quite important in providing relief from the dense built form elsewhere within Wimblington.
- Councillor Mrs French asked why officers refused to accept the documents on 17 April? David Rowen responded that there were two potential reasons for refusal, one of which relates to character and in addition the flood risk reason for refusal did not relate to an actual detailed drainage strategy, it was the fact that no sequential test had been submitted as part of the application to assess the sequential acceptability of the site rather than the

specifics of a drainage strategy. He added that the Flood Risk Assessment that has been submitted only deals with the fact that the site is in Flood Zone 1 and with matters of flood zone flooding and does not address, as the NPPF requires, all sources of flooding and the clear surface water flood risk that is evident on this site.

Members made comments, asked questions and received responses as follows:

- Councillor Mrs French expressed the view that the application should be deferred to look at what the LLFA are saying and to get a sequential test submitted.
- Councillor Connor agreed.
- Councillor Benney agreed, he feels drainage is important but the appeals mentioned in the report are too long ago and the character of the whole area has changed since so if there is a deferment he would only like to see it on the drainage and sequential test. He expressed the view to defer it on all the reasons for refusal is unfair and if it is refused just for drainage, which does need to be resolved, that is the reason that it comes back to committee and if a good drainage scheme can be achieved it will help alleviate the problems.
- David Rowen reminded members that an outline application for 9 dwellings on this site was refused in 2023 on the grounds of the character of the area, the in-depth nature of the development, which is essentially the same scheme in front of committee now. He continued that the character of Bridge Lane has not changed dramatically in the last 2 years and questioned what has changed since March 2023.
- Councillor Benney stated that the building work and the 88 Reason Homes at the top had not started then and now they are underway they are part of the character so that is what changes it and the fact that other development has been allowed in the vicinity is good reason to only defer it on the drainage.
- David Rowen stated that he believes the Bellway site had commenced in 2023 and even if it had not then there was a permission in place of 88 dwellings on that site so nothing has changed since then.
- Matthew Leigh advised members that the Council's decision for the adjoining site is also a material consideration and that is still so recent that the applicant could submit an appeal. He continued that whoever makes the decision there should be consistency and the adjoining sites decision and an application previously refused on this site would be significant material considerations in determination of this application.
- Councillor Marks acknowledged what officers are saying but feels the area has changed dramatically and it has changed when you drive down Bridge Lane. He asked what was the reason for 0449 being refused? David Rowen stated from memory there was about 7 different reasons for refusal. Councillor Connor added that the application was proposed for refusal and was referred to him, he took a look at the site and did agree with officers and there were 7-8 reasons for refusal. Councillor Marks made the point that there is now just one issue on this site which is flooding so with a deferral it is hoped a resolution can come forward. David Rowen stated that the refusal reasons for the 44 dwellings on land west of 2A Bridge Lane, which was refused earlier this year, was surface water flood risk and the application failing to pass the sequential test, character and appearance of the area, failure to provide sufficient transport information and highway mitigation, failure to demonstrate a high quality layout, housing mix, no affordable housing provision, failure to provide open space and failure to provide a legal agreement. Councillor Marks made the point that a number of those reasons for refusal do not relate to this application so committee needs to take what it has in front of it today and not what there was on a next-door site refusal and whilst he agrees with consistency, the applications are not like for like. He expressed the view that it is the reality of flooding that is the only issue as he thinks the character of the area is changing and feels that a deferral should only be on the issue of flooding.
- The Legal Officer stated that given that the refused application was just over a year ago it does engage the Code of Conduct guidance that if members wish to refuse or approve an application that has recently been refused as this has then the proposal should identify the reasons for the change in planning circumstances that justifies the approval. He added that if it is only being deferred today on the flooding/drainage issue then the proposer needs to

give planning reasons why matters have changed since March 2024.

- Councillor Mrs French referred to the first reason for refusal and she feels that 9 dwellings is not large scale and asked the Legal Officer to point out what part of the Code of Conduct he is referring to. The Legal Officer responded it is Paragraph 12 and read it out to members. Councillor Mrs French made the point that it is not being suggested that it is approved or refused but deferred. Matthew Leigh stated that Councillor Benney put forward the idea that the rest of the scheme would be accepted and it was only on flooding/drainage that it would be deferred so the Legal Officer's guidance is in relation to Councillor Benney's suggestion rather than the initial suggestion from Councillor Mrs French. Councillor Mrs French expressed the view that the Code of Conduct would only come in, if it is deferred, when it is brought back depending on what the outcome is then.
- Councillor Benney made the point that the Legal Officer is saying that if it is only deferred for drainage, how is committee addressing the issues that were previous reasons for refusal and asked if this is correct. It was confirmed by officers to be correct. Councillor Benney asked for the reasons why the application on this site was refused previously? David Rowen responded that the application was refused in March 2024 on ecology, which has now fallen away, surface water flooding and that the proposal would result in large scale in-depth development in a rural area characterised mainly by frontage development and would erode an important visual gap and area of separation between this part of Bridge Lane and the main built form of Wimblington, with the proposal, therefore, being contrary to LP3, LP12 and LP16 of the adopted Local Plan.
- Councillor Benney stated that for surface water there needs to be a drainage strategy and looking at the street scene, this application is more backland development than it is changing the street scene. He feels those reasons for refusal are not valid with this application as it does not change the street scene.
- Councillor Marks agreed with the comments of Councillor Benney, the actual road frontage is minimal so how is this frontage development. David Rowen read out the reason for refusal again with this reason saying that this is backland development in an area characterised by frontage development.
- Councillor Gerstner stated that he is uncomfortable, the committee has to be consistent and only less than a year ago an application was refused so he needs to be persuaded that the characteristics of this application has substantially changed since the previous application. He feels that members must be mindful that if the application is deferred on the grounds of flood risk or sequential test is the committee then giving the nod that when the application comes back to committee it will be acceptable and he feels the committee is putting itself at a big risk.
- Matthew Leigh stated that if the committee defers the application and is looking solely for information on a single reason for refusal then yes it would be a risk but if members defer it for additional information, debate it and determine it fully when it comes back then there would be no risk.
- Councillor Mrs French stated that the difference between now and when the application was refused in 2024 is that there are now all these houses surrounding the site, which she believes is a material consideration.
- Matthew Leigh advised that the wording for this reason for refusal is the same as previously refused and the indicative plan is very similar as the previous application and he is unclear why members would not have thought there were going to be 88 houses coming forward at the other site when it was already approved and in construction. Councillor Mrs French expressed the view that members were aware but did not realise the visual intrusion into that part of Wimblington and, in her view, 9 houses in Bridge Lane will not make any difference.
- Councillor Marks agreed with the comments of Councillor Mrs French, at the time when site visits were undertaken there were not 88 houses being built as they are now and it has changed the street scene and, in his view, it is making a difference and the only issue now is flooding.

- Matthew Leigh stated that in discussion with the Legal Officer, committee would not be able to agree certain parts of the application as members would be binding the next committee meeting so members need to defer an item on a specific issue, that issue is looked at and then an appendix report would be presented on this issue at a future meeting but the recommendation on the character of the area would still stand irrespective of what occurs with the sequential test, and at that stage members could consider if there had been changes in circumstances or there was not any harm.

Proposed by Councillor Mrs French, seconded by Councillor Imafidon and agreed that the application be DEFERRED to provide the applicant an opportunity to provide a sequential test and for the drainage to be considered by the consultees.

**P124/24 F/YR25/0106/PIP
LAND SOUTH OF 171-183 FRONT ROAD, MURROW
PERMISSION IN PRINCIPLE TO ERECT UP TO 4 X DWELLINGS AND THE
FORMATION OF A NEW ACCESS**

Danielle Brooke presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Chris Walford, the agent. Mr Walford stated that this proposal is a PIP application for 4 dwellings, with the site within the village and entirely within Flood Zone 1. He advised that the site benefits from an existing footpath that runs the full length of the site frontage giving pedestrian access to the entire length of the village.

Mr Walford made the point that the Local Plan defines Murrow as a small village where development will be considered on its own merits and normally limited to residential infilling but, in his view, the term normally implies there is some flexibility in that policy and brings with it the scope for logical development such as this proposal. He acknowledged the site is not infill but feels it can be considered a logical extension of the existing built form within the village.

Mr Walford expressed the view that the site is one of two remaining parcels of land within the flood zone within the village settlement that could accommodate frontage development, with this one being on the main road through Murrow, Front Road, and the second parcel of land being on the smaller Back Road and as such he feels that this is one of the most logical sites for small scale development. He referred to committee meetings talking about the need to grow villages through sustainable and logical extensions to contribute towards the local housing need and sustain local amenities, with a prime example being Murrow's pub, The Bell, which has recently been renovated and up and running under new management and there is also Pollington's newsagents and general store, with Peter Humphrey Associates obtaining planning permission for this store in 2011 and had been running for 14 years but has recently had to close due to a downturn in its use and running at a loss for the last two years so more development in the village will help sustain what facilities are left.

Mr Walford referred to the emerging Local Plan, which whilst does hold limited weight, has this site allocated within it with the knowledge of the two appeals. He stated that on the first appeal if the logic of employment growth and the use of a car within a village are used then there would not be any development supported in any village as most people are working in the towns and cities and not the villages and focusing on car dominance is out of date and with the regard to the second appeal it is acknowledged that this is not an isolated location, it is part of the built form but is not infill but his understanding is that it is normally limited to infill.

Members asked questions of Mr Walford as follows:

- Councillor Sennitt Clough stated that she knows Murrow very well as she used to live there and Pollington's closed as it used to shut at 4pm every day so was not open when people

were coming home from work. She stated that she does not think this is infill because there is a large section of land here and it does not abut at the other end to a linear development or anything. Mr Walford responded that the point he was making is it is a shame that the shop had to closed and sustainable areas could hopefully sustain something like this, with more people in the village meaning that more people would use it, although the opening hours is not something that can be controlled. He reiterated that as seen on the plan this is the last site that is in the Flood Zone 1 area and is clearly an extension of the built form, they are not saying it is infill but it is a logical extension.

Members made comments, asked questions and received responses as follows:

- Councillor Benney stated that he visited the site the other day and agrees with the agent that it is a logical extension of the village. He referred to the same situation in High Road, Gorefield a few years ago, with houses with one side of the road, fields on the other and that was approved so the committee has approved similar applications in other areas. Councillor Benney agreed that villages need extra homes as if villages do not grow they die and the issue of needing a car equates to anyone who lives in Fenland. He feels it is good use of land, the change from 3 to 4 is a material change and he can see nothing wrong with this proposal.
- Councillor Mrs French disagreed and feels that the officer's recommendation is correct.
- Councillor Marks stated that he would always support infill but could not say it is infill for this proposal, it is interesting to hear the two opposing views as he was not in favour of the application but is now 50/50.
- Councillor Gerstner agreed with Councillor Benney on the need for villages to grow slightly and this is a small scale development, the people that move here will know what facilities are in the village and what infrastructure is in and around the village so he feels it would be a positive sign for Murrow.
- Councillor Imafidon expressed the view that it is a continuation of linear development of the village and that houses are needed to make the village sustainable. He referred to the comments of the Parish Council who are in support of the application and does not see a problem with the proposal as there are houses the other side of the road, it is a nice continuation of the village and there is no flood risk.
- Councillor Sennitt Clough stated that she moved to Murrow in 2014, living here for 4 years and still visits the village regularly and in that period of time Murrow has grown, there have been several new houses but the shop has still closed and whilst the pub has recently reopened it was closed for a time so she does not support the argument that new houses and new builds sustain local shops based on her experience.
- Councillor Connor stated that he is an advocate of seeing villages grow and feels this is a typical example of where there is no growth the pub will shut and it reminds him of Turves, which has no facilities at all. He stated that he is in favour of this development as villages need to be made more sustainable and not everybody wants to live in towns.
- Councillor Marks acknowledged the comments of Councillor Sennitt Clough, but the pub has recently been renovated and this must have been undertaken on facts and figures that are there now as money is not spent unless it is believed there is a viable business. He feels it is about land usage with this proposal, it looks to him that the land has not been used for a number of years, has it been left fallow due to the application and wanting to build on it or is there just going to be a piece of land that sits there so does it make better sense for land use to place some houses on it or just leave it as it is and he is torn between the two.
- Councillor Benney made the point that people keep saying we do not want these houses, but you do not see houses built standing empty for long and anyone who comes here will know what they are buying. He feels there is a need and these type of dwellings are built generally by small builders which brings local employment to local people and villages do need to grow.
- Councillor Connor made the point that the site lies in Flood Zone 1, which he feels is a prime consideration.

- David Rowen reminded committee that under the Town and Country Planning Act there is a requirement for applications to be determined in accordance with the adopted Local Plan unless material considerations indicate otherwise and there has been two previous refusals by the Council under this Local Plan on this site both of which have been dismissed at appeal.

Proposed by Councillor Mrs French, seconded by Councillor Sennitt Clough to refuse the application as per officer's recommendation, which was not supported on a vote.

Proposed by Councillor Benney, seconded by Councillor Imafidon and agreed that the application be GRANTED against officer's recommendation.

Members do not support officer's recommendation of refusal as they are aware of the previous refusals under the Local Plan 2014 but feel this plan is out of date and has not yet delivered the housing that it should have done.

**P125/24 F/YR24/0610/F
LAND EAST OF DRAGONFLY COTTAGE, SEADYKE BANK, MURROW
CHANGE OF USE OF LAND FOR THE STATIONING 4 X RESIDENTIAL MOBILE
HOMES ON 2 X PITCHES, FORMATION OF HARDSTANDING AND ACCESS AND
POST AND RAIL BOUNDARY FENCE (1.5 HIGH MAX)**

David Rowen presented the report to members and drew attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Stuart Carruthers, the agent. Mr Carruthers stated he had little to add to the officer's report and was happy to answer any questions.

Members asked questions of officers as follows:

- Councillor Mrs French asked where the travellers policy document is? She stated that she met the manager a few weeks ago and was informed it was completed. Matthew Leigh responded that whilst a draft has been received there is some comments and feedback in relation to the addition of documents, but it is not specifically a policy but in relation to the need. Councillor Mrs French asked when it was likely to be available? Matthew Leigh responded that he cannot give a definitive date as they want to make sure it contains the correct information. Councillor Connor asked officers to provide committee with an update on the likely completion as it has been mentioned for some time and seems to be taking a long time to be finalised.
- Councillor Sennitt Clough referred to the paragraph in the report about the lack of a 5-year land supply for gypsy and traveller pitches and then the subsequent paragraph it mentions that the site is in Flood Zone 3 and because there is a shortage the fact that it is Flood Zone 3 is mitigated by that shortage, but in reality it is Flood Zone 3. She asked what practical ways of mitigation there were for the reality of flooding? David Rowen responded that there is recommended condition 5 which is that the development is to be carried out in accordance with a submitted Flood Risk Assessment which the Environment Agency have commented upon and which will require the finished floor levels of the mobile homes to be at least 0.3 metres above ground level secured with relevant ground anchors and also for the residents to sign up with the Environment Agency's Flood Line service.

Members made comments, asked questions and received responses as follows:

- Councillor Gerstner referred to Parson Drove Parish Council, the North Level IDB and Environment Agency all recommending refusal so feels it makes it a slightly difficult decision to make. David Rowen responded that the IDB have raised concerns largely on their access to the drain at the back of the site indicating on the receipt of consent they are willing to

relax the bylaws of 6 metres for a fence line providing the mobile homes are sited 9 metres from the water course, with the green wildflower meadow strip providing the 6 metre strip and the caravans themselves can be sited 9 metres away from the drain, which is one of the recommended conditions. He continued that the Environment Agency do object to the application as it is in a highly vulnerable flood risk category but it has indicated it is outside of the breach hazard map extents and as such it recommends, if members are minded to grant, that the requirements are secured through conditions. David Rowen added that the Parish Council's objections is its views but the comments of a Parish Council are not a material planning consideration for the committee to have regard to in its determination. He stated that whilst there are these comments there is nothing that would justify a refusal or that would preclude granting the application.

- Councillor Mrs French made the point that Fenland has a duty to make sure that there are enough allocated spaces for travellers.
- Councillor Connor reminded members that when such proposals have been refused and then appealed the Inspector has found that they need to happen.
- Councillor Marks made the point that there have been similar applications at Wimblington and Chatteris and they have been approved and whilst he recognises it is in Flood Zone 3 others have been in Flood Zone 3. He referred to consistency and there is not being a policy around travellers, feeling it is good usage of land.

Proposed by Councillor Marks, seconded by Councillor Mrs French and agreed that the application be GRANTED as per the officer's recommendation.

**P126/24 F/YR25/0078/F
17 PRIORS ROAD, WHITTLESEY
ERECT 2X DWELLINGS (SELF-BUILD/CUSTOM BUILD) INVOLVING
DEMOLITION OF EXISTING DWELLING AND OUTBUILDING AND ALTERATIONS
TO EXISTING ACCESS**

Alan Davies presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall stated that this application is for a local family whose immediate family also live in Whittlesey and the adjacent villages of Coates and Eastrea. He made the point that Whittlesey Town Council support the application and there are no objections from any members of the public, with the neighbour whose garden backs onto this development having e-mailed the Council to support the application.

Mr Hall expressed the view that the one key point that has not been raised is that on 7 March they e-mailed the officer after the application had been submitted for 5 weeks asking for an update and they were told it was going to be recommended for refusal, even though everything on the public access was positive, and they were told they would not accepting any more information. He stated that he questioned this because the queries, in his view, seemed minor and he was told again that they were not accepting any more information.

Mr Hall expressed the opinion that they would have been able to provide the information the next day or possibly the same day and for plot 2, they are 0.3 metres short. He feels that for plot 1 the officer's report is very positive, no issues with the bungalow in terms of design, overlooking or overshadowing but it appears that plot 2 is the concern, the garage is 6 metres wide and 6.7 metres long and the difference between themselves and the officers is 1 foot, which they can easily overcome by moving the utility wall back to achieve this and providing an additional bit of tarmac for the turning head, which they had tried to resolve in March.

Mr Hall expressed the view that plot 2 is largely hidden behind the dwellings on Priors Road so it will not be seen, it does not overlook the school or other properties and plots 1 and 2 do have a

third garden area. He referred to a photo on the screen, which shows the site with the large bungalow being demolished, there is a chalet bungalow next door and other bungalows in the vicinity which is the character of the area and it can be seen that most of the site would be hidden from view.

Mr Hall expressed the opinion that from the Google map on screen they are not encroaching into the countryside as it is the same boundary that has been established there since the bungalow was built 60-70 years ago so they are staying within the limits of this site. He made the point that there are no technical objections to this application from any party, no residents have objected, the site is all in Flood Zone 1 and it is within the built-up form of Whittlesey.

Mr Hall stated that if members share the officer's concerns with regard to the garage and turning head he would ask for a deferral to enable them to resolve these issues.

Members asked questions of Mr Hall as follows:

- Councillor Sennitt Clough asked what is the land used for to the west of the site? Mr Hall responded that it is in separate ownership and he only knows that it is a field. Councillor Sennitt Clough questioned that there is a drain in between the site and this land.
- Councillor Marks stated that he quite likes this proposal and asked if the people building these properties are going to be living there with family members? Mr Hall responded that they are living on site at the moment, they are proposing to demolish the bungalow, which is not in the best of condition, and they would be building plot 1. He is not sure if family members will be moving into plot 2 or whether they would move from plot 1 to plot 2. Councillor Marks stated that having had elderly parents looking to move them into the same curtilage, in his view, makes a nice application.
- Councillor Marks referred to there being a foot or 12 inches difference and it would need a deferral for this to be rectified. Mr Hall responded that looking at the officer's report plot 1 is fine but plot 2 they are 12 inches short front to back on the garage but they would not have to make the property any bigger and just move the utility wall back a foot so the utility would be smaller and the extra would be gained for the garage.
- Councillor Gerstner asked when the bungalow currently on site was last lived in? Mr Hall responded that when he first visited the site last year there was an elderly lady living there on her own, she sold the site and the applicant lives there with his family so it is being lived in at the moment, but the heating has been repaired or renewed and there is mould in the current property.
- Councillor Gerstner questioned there being limited amenity space for the two properties. Mr Hall responded that he disagrees, there is a third garden area for plot 1 which officers confirm and for plot 2 there is also a third garden area and looking at the dimensions they are 10.8 metres and 9.2 metres, which he feels is reasonable.
- Councillor Gerstner asked whether the orchard that was there about 80 years ago would be replaced? Mr Hall responded that he would not remember this but probably not.

Members asked questions of officers as follows:

- Councillor Marks referred to tracking being an issue with a vehicle and asked what size vehicle this is based upon? Alan Davies responded that it would be a standard car for a private drive to serve 2 dwellings.
- Councillor Gerstner asked if the applicant made the garage more acceptable would that alleviate the issues? Alan Davies responded that if the garage was amended to comply with policy, the garage could be counted as one of the parking spaces which would make the overall number of parking spaces for plot 2 acceptable in policy. Councillor Gerstner asked if there would still be an issue with the turning head? Alan Davies responded that would not overcome the turning head area and this would have to be amended on plan. Councillor Gerstner stated that engineering wise if the garage is put right would that then make the turning head acceptable? Alan Davies responded that the work to the garage on its own would not as the turning head would have to be slightly amended to make that acceptable

so if both were undertaken it could comply with policy in terms of the size of the internal space of the garage and the turning head but, in his view, the suggestion was to just increase the depth of the garage to make it policy compliant.

- Councillor Marks asked if these issues could be conditioned if committee is minded to pass the application today? Alan Davies responded that without prejudice to this, the other reason for refusal is that for the size of dwelling that is being proposed has a rear garden depth of about 10 metres and whilst the overall quantum of amenity space for plot 2 complies with policy that counts for every single strip of grass around the dwelling. He stated that officer's concern is that it is a very big dwelling, a five-bedroom property, with very little private amenity space for future occupants, which is not the same conclusion with plot 1 as this is a three-bedroom bungalow and there is sufficient amenity space. Alan Davies stated that whilst potentially with a condition it could resolve the issues of manoeuvrability and make the garage available as a policy compliant parking space it does not overcome the fact that there is not a sufficient amount of private usable space for the rear garden for a dwelling of this size. Councillor Connor made the point that whilst it is a big dwelling not everybody wants a big garden, it is a matter of choice and if approved today the person who buys that house will have that choice.

Members made comments, asked questions and received responses as follows:

- Councillor Marks made the point that he hates gardening, he uses a stick and he does not want to be pushing a lawn mower around a very big piece of grass. He continued that not everyone wants big gardens, there was a similar debate on an application at Guyhirn and, in his view, if this came on the market this falls to a family, mum and dad possibly elderly parents moving into the second property and it is likely that the elderly may not have 2 vehicles. Councillor Marks stated that with minimal changes and conditions it could be approved instead of deferring it and he supports the application with a couple of conditions.
- Councillor Connor referred to Mr Hall stating that tomorrow he would get the amendments done which would resolve most of the problems that are outstanding on this proposal. He expressed the opinion that it would not be prudent to bring it back to committee when there are such long agendas for such simple conditions so if it was approved today officers could be asked to deal with the conditions.
- Councillor Marks made the point that there are no objections and Whittlesey Town Council support the proposal so committee should be led by their steer.
- Matthew Leigh stated that a permission cannot be conditioned with substantial changes to the basis of the application, although members can delegate determination of the application subject to an amended scheme that would provide a policy compliant application in relation to car parking and access.
- Councillor Marks asked for clarification on parking as members are being told that it does not meet the requirements currently and is it being said that it needs more car parking spaces or that if the garage is moved by a foot which gets an extra car parking space that this will then cover this? Alan Davies responded that it needs the internal dimensions of the garage to be increased so that can count as one parking space which would then make it policy compliant in terms of the overall provision of parking for plot 2.
- Councillor Connor referred to the turning head and asked what would need to be undertaken to this to make it compliant? Alan Davies responded that it would need to be tracked and potentially widened but he does not have the measurements to hand, they have consulted Highways and it raised concerns with that manoeuvring area.
- Matthew Leigh stated that the agent has indicated that they can overcome those two reasons.
- Councillor Connor stated that he does not want this application coming back to committee and asked Mr Hall to come before members again to say whether he was happy to undertake the amendments to resolve the issues, which can be conditioned. Mr Hall confirmed that they are happy to undertake the amendments, working with officers to address these issues.

- Councillor Marks questioned why Highways are dictating the turning head on a private road? Alan Davies responded that Highways refer to it in its response and the officer took it into account and as it is presented it does not work but it is not looking to be refused on Highways grounds. Councillor Marks asked for clarification that although Highways made an observation it should not be considered. Matthew Leigh responded that as decision makers there is a need to ensure that development works and that includes internal things such as amenity space and car parking, so if there are concerns about the functionality and the likely quality of a development internally they can be raised. He continued that the reason that Highways have concerns on applications such as this is if it thinks it is not going to work that can have an impact on the highway, such as additional parking on the highway or additional points of conflict on the highway. Councillor Marks questioned the Highway comments being an observation? Alan Davies responded that in effect yes because they have not objected but it is an observation that the manoeuvring area does not work at present as proposed.
- Councillor Benney stated that if this application is going to be put back into the hands of officers to deal with, what happens if there is not a resolution and if a wall cannot be moved 12 inches, is that just giving authority to officers to refuse it because members do not want it to come back to committee. Matthew Leigh responded that if committee delegate approval subject to x, y and z and then they cannot be undertaken then refusal has not been indirectly delegated and it would have to be referred back to committee for determination.

Proposed by Councillor Marks, seconded by Councillor Mrs French and agreed that the application be GRANTED against the officer's recommendation, subject to authority being delegated to officers to resolve the issues relating to car parking and the turning head and applying conditions.

Members do not support officer's recommendation of refusal as they feel that the proposed layout does not constitute overdevelopment and the parking issues can be overcome by negotiation.

(Councillor Benney declared that the agent has undertaken work for Chatteris Town Council and himself personally, but he is not pre-determined and will consider the application with an open mind)

(Councillor Gerstner declared that he knows the family historically as he went to school with them but does not know the applicant himself)

(Councillor Imafidon declared that the agent has undertaken work for him personally, but he is not pre-determined and will consider the application with an open mind)

(Councillor Sennitt Clough declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she is a member of Whittlesey Town Council but takes no part in planning)

**P127/24 F/YR25/0084/F
6 BRIDGE LANE, WIMBLINGTON
CHANGE OF USE OF LAND TO DOMESTIC LAND, ERECTION OF A SHED AND
FORMATION OF HARDSTANDING INVOLVING THE DEMOLITION OF EXISTING
GARAGE (RETROSPECTIVE)**

Alan Davies presented the report to members and drew attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Councillor Angela Johnson of Wimblington Parish Council. Councillor Johnson stated that there have been a number of previous applications, an appeal against an enforcement notice and now another planning application with retrospective inclusions. She expressed the view that this is a large agricultural/industrial warehouse, not a garden shed, being built to house large heavy

vehicles, erected in the grounds of the dwelling of 6 Bridge Lane, with the property itself already housing three double brick built garages.

Councillor Johnson expressed the opinion that the application has not retrospectively erected a shed, an industrial storage unit has been erected that towers above the already uncharacteristic 7 foot high brick wall to a height of almost 19 foot for the industrial storage unit, which invades the skyline of a lovely quiet residential country lane. She continued that the industrial unit has, in her view, impacted upon the historic environment and agricultural nature of Bridge Lane's surrounding countryside.

Councillor Johnson expressed the view that shortening the length of this industrial unit has no bearing on the fact that it imposes on the close residential dwellings, some already enclosed behind the 7 foot brick wall and it closes off all the previous open views across agricultural fields and the countryside and if the applicant is granted permission and the industrial unit is made smaller she questioned where the applicant intends storing the rest of his vehicles. She made the point that the applicant does already have the use of three big brick built garages integral to the dwelling.

Councillor Johnson expressed the opinion that the land is not being changed to domestic use, it is being changed to house an industrial storage unit, which is not domestic by any means. She referred to the flood issues in Bridge Lane and the large area of impermeable ground that is covered on this site can, in her view, only exasperate this problem, especially when including the surface area of the roof of the industrial unit.

Councillor Johnson stated that Wimblington is an historic village that should not be eroded by the construction of an uncharacteristic building within its village environment as of Bridge Lane. She made the point that the Inspector dismissed the appeal against the enforcement notice, part of this being that it is an uncharacteristic building within the environment and the Planning Officer, the Parish Council and local residents all recommend refusal of this application.

Councillor Johnson expressed the opinion that the enforcement notice should be implemented and action taken and if the applicant wishes to keep their old rare steam engines indoors then maybe they should look into an industrial unit in one of the nearby industrial estates. She asked that committee to take into consideration the impact this is having on local residents and refuse the application.

Members asked questions of Councillor Johnson as follows:

- Councillor Marks referred to a previous application at the committee in the lane and the landowner for that application saying he had undertaken a lot of mitigation work already, he is putting in a pond and that is helping the local area. He asked since the area has been concreted on this application site has there been any localised flooding in that area? Councillor Johnson responded that there was flooding in 2021 and 2022, which she has experienced as she lives locally. Councillor Marks asked if she was attributing it to this one piece of concrete? Councillor Johnson responded no it cannot be attributed to one single thing, it is because there are 88 dwellings at the front top end of Bridge Lane, along with Lily Avenue and there are 44 further dwellings currently being constructed and it is the impact of all of that that is pushing the water down this way, as it is on a hill.
- Councillor Benney referred to it being said it was an industrial unit and asked what industry is taking place here? Councillor Johnson responded that she referred to it looking like an industrial unit, the size and colour of it, which match with the industrial units you would see across on the Eastwood End industrial estate. Councillor Benney asked if it is being used for an industrial or commercial purpose? Councillor Johnson responded that she has no idea what it is being used for apart from storage of a steam engine, tractors and various large heavy vehicles.

- Councillor Marks made the point that it could be a hobby shed with a large hobby and asked Councillor Johnson if she agreed? Councillor Johnson responded that she would not agree that it is a shed but a large industrial metal unit and questioned whether Councillor Marks had actually seen it. Councillor Marks stated that he cannot see a lot of it from the bypass and when he has come down Bridge Lane it does not feel it is that visible. He remembers discussing the application for the property being built on the site and the height of it and made the point that you cannot tell that the property is any taller than any of the others. Councillor Johnson agreed that you may not see the unit from the bypass but it is about the visual impact from the village side.
- Councillor Benney asked what distance is this structure from the village as it is right on the edge of Wimblington questioning the visibility. Councillor Johnson stated that it depends where you are coming to it from the village but did not know the actual distance but it can be seen from a distance. Councillor Connor stated that it is roughly 400-500 metres from Lily Avenue and about 300 yards from the top of Bridge Lane. Councillor Benney stated that this is if you could see it through the 88 houses that have just been built.
- Councillor Marks asked where would the centre of the village be? Councillor Johnson responded that where the village hall is but Wimblington has expanded that much now the centre of the village could be moved closer towards the 88 dwellings that have been built. She added that it is not just about the village but the people who live in Bridge Lane and the impact it already has on them. Councillor Johnson stated it is also about the countryside, which she knows members feels has already been eroded by the 88 dwellings, but it does not mean it has to carry on being eroded by an industrial unit being put there as well. Councillor Marks expressed the view that the same argument could be put forward for Mr Knowles very large warehousing, one by the church on the A141 and also the other in the village, but there was not that many complaints as this application is causing with it being a smaller development. Councillor Johnson responded that this is not a development, it is just an industrial unit and there were a lot of complaints about Mr Knowles site in Manea Road as she represented that as well and the same thing with Mr Knowles site in the middle of the village.
- Councillor Sennitt Clough stated that it is commendable that Councillor Johnson is at committee fighting for the residents and referred to the report where it states that there have only been objections from 5 properties, asking is that because it is not a very built-up area? Councillor Johnson responded that the objections will be from the people that predominantly live in Bridge Lane, people from outside Bridge Lane may not be aware of the planning application.
- Councillor Marks stated that he finds this surprising as in Manea if there is an application submitted that people do not like the first thing it hits is the local Facebook page so he expressed the view that it is strange that there are only 5 objection letters with a large quantity of people living in the area. Councillor Johnson disagreed because the fact is that although it goes on Wimblington Parish Council's website not everybody reads it and if they had wanted to push it out further a lot more objections could have been submitted. She stated that the objections that have been received have come from people who live in the environment, the support has come from people that do not live in the vicinity so, in her view, it is more important for her to be here to support the residents that have objected.
- Councillor Connor believes the applicant likes steam engines and the unit is to house that steam engine and whilst it can be moved somewhere else you cannot achieve better security than having it on the property. He expressed the opinion that this is a hobby and asked if Councillor Johnson agrees that for security reasons it needs to be on the applicant's property? Councillor Johnson agreed that if this is the applicant's hobby but questioned whether he needs something that large to house one steam engine and also should he be allowed to erect something detrimental to the other residents along the street. Councillor Connor stated that with the chimney it probably does need to be that big height wise and it would need to be undercover to protect it, and if this is only being put in this unit then it is for personal use. Councillor Johnson made the point that the argument is not what it is being used for but the size of it, it is out of character within the lane and it is intruding on

other people's lives. She feels that if the applicant does have this type of hobby he should have thought about where to store it out of his garden.

Members received a presentation, in accordance with the public participation procedure, from Mark Turner, an objector. Mr Turner stated that he is at committee because the building has been put up without permission, it has gone to appeal and been dismissed. He stated that he was speaking as this building is at the back of his home and there are other residents in attendance where it affects their houses and they have not had the chance to come to meeting like this to object before the building was erected and that opportunity had been taken away from them.

Mr Turner made the point that the proposal has been to appeal and the applicant has been told to take it down but nothing has happened and objectors are at the meeting today doing what should have been done originally. He added that when the applicant put his application in for his house, several residents along Bridge Lane supported it but are at the meeting because the building affects their lives, the views out of their windows and the value of their properties.

Mr Turner questioned why the building was put at the back of his house and if the view is that it is going to be used for steam engines and is so valuable would the applicant not want it nearer to his home but he has not placed it out of the back of his home so he opens his windows and sees it every day but put it out the back of neighbouring properties, with the applicant having approximately 2 acres of land he could have placed it on but had to place it outside neighbouring properties. He stated he does not understand the reason for changing the land from agricultural to domestic as it is an agricultural area that is being squeezed for planning from every direction and, in his view, every piece of agricultural land should be hung onto.

Mr Turner stated that the building at the moment is large and there is a reduction of one or two bays and when the Inspector published his report he commented because an offer had been made to reduce the building, quoting from the report "the removal of one bay would reduce the effects on the property to some extent but not sufficiently to overcome the harm arising from the outlook" so shortening the building as proposed will not make any difference to his garden and the light he is using in his house. He made the point that his garden is overshadowed by this building, therefore, part of his lawn does not grow properly and part of his lawn at this time of year is very damp and in the earlier months of the year it is underwater only by about an inch but it never was before the building was erected or the yard concreted.

Mr Turner expressed the view that he questions the drainage of the existing building, with the gutter that has been put on the front of the building discharging onto open concrete and the back of the building having no gutters. He questioned that if the content of the building is so precious would you not want the building to be water tight and looked after properly so why is there no gutter on the back of the building, with the water from that building either running down the building or in heavy rains overshoots onto the neighbours gardens, No.10, and the road along there, and from what he has been told their garden floods as well and whilst it is not a lot of water there was not any before that building was erected.

Mr Turner referred to the Development Officer stating when the appeal was dismissed that the development harms the character and appearance of the area and the living conditions of the residential occupiers of the adjoining land. He feels if approved then committee would be going back on a refusal that was made several months ago.

Members asked questions of Mr Turner as follows:

- Councillor Mrs French asked how far away it is from his dwelling? Mr Turner responded that it about 1½ metres from his boundary and approximately 40 foot from his house.
- Councillor Imafidon asked Mr Turner to point out his house on the map. Mr Turner stated that his property is No.8 and the building at the present time comes right down to the fence.

- Councillor Imafidon referred to flooding and asked if there is any evidence of that? Mr Turner responded that he has only experienced flooding since that building has been erected. Councillor Imafidon asked how long ago that was? Mr Turner responded that he believes it was in 2023.
- Councillor Sennitt Clough asked with the building in its present form there is just over a metre between the boundary fence and the building so what is the condition of the fence and the land in between the fence and the building? Mr Turner responded that there is his fence and the applicant has erected a wall that was approved with his property but the building was not approved with the house and put up without permission.
- Councillor Connor presumes that the 1½ metres between the boundary and the shed is for maintenance work to be undertaken so if that was to stay the applicant could put anything up there, such as drainpipes, to undertake the job properly so the excess water from the roof can go into the drains, which is not insurmountable? Mr Turner agreed it was not but questioned whether the drains are in existence considering the building was erected without permission, it was not overseen by officers and inspections have not been undertaken to see if there are any drains there. He stated that if members read the appeal they would find that the Inspector said that although there were traces of drains he could not confirm that those drains were there and during construction he and the neighbours did not see any drains being dug so there is an area of concern about the drainage on the building. Councillor Connor stated that he deals with appeals all the time and just because a Planning Inspector says they do not like something it is their judgement and a different Planning Inspector might have a different judgement. Mr Turner acknowledged the point being made but stated that Planning Inspectors are employed and fully qualified to do their job and they not only look at it from the angle of what they see, they look at the regulations and rules they have to work by as do planning officers and if committee is going against them he would argue why are there planning officers and an appeal mechanism but recognises it is a matter of opinion.
- Councillor Marks asked if he was on cesspits or mains sewage? Mr Turner responded that he was on mains sewage.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall stated that when the applicant contacted him regarding this site, they were pro-active in arranging a meeting on site with the enforcement officer in October and at the time the issues were discussed following the enforcement notice being upheld and discussions did take place regarding reducing the amount of concrete hardstanding and the applicant stated that he still needed quite a bit of it for the manoeuvring of the steam engine. He expressed the opinion that the steam engine is a heritage asset worth over £1 million and needs to be protected and that is why the building is that high.

Mr Hall stated that it was discussed on site to reduce the length of the shed and as they are encouraged to do they submitted some sketches to the enforcement officer saying this is what they were proposing to do and the enforcement officer discussed it with officers, came back and said to submit a full application. He added that it did say that ideally they would want some more hardstanding broken out but nowhere on the e-mails did it say that you need to reduce this shed more, although he acknowledges it is an enforcement officer's opinion.

Mr Hall expressed the opinion that the application in front of committee today is 99.9% the same as those sketches that he submitted, with this application reducing the length of the shed, which is about 30 metres long to 17.9 metres, nearly half. He stated that the appeal proposed to remove one bay but they have not done this and have removed two bays so there is material change here from what was refused by that appeal and, in his view, by reducing nearly half the size of this shed it will lessen any perceived impact.

Mr Hall expressed the opinion that the shed cannot be seen from the street scene, it is set back 50 metres from Bridge Lane and there is no overlooking mentioned in the report as the proposal does

not have any doors or windows facing neighbouring properties along Bridge Lane. He referred to the concrete hardstanding being highlighted as an issue and they have shown breaking out a third of this and that area which is directly behind people's properties would be laid to grass, which has been submitted since day one and the nearest property to the reduced shed would be 27-28 metres.

Mr Hall expressed the view that a key point, listening to the previous speaker, is under Section 10.16 of the officer's report is it confirms that the revised reduced building is now satisfactory in relation to some of the properties in terms of overshadowing and overbearing impact and those properties are 6A, 8, 8A and 10. He feels the appeal has been looked at and they are trying to reduce any perceived impact on the neighbouring properties and the applicant is happy to provide a detailed landscaping scheme for the proposal, which could be secured via a condition.

Mr Hall referred to mention in the report about character of the area, but down this same road behind No.3 on the opposite side of the road there was a haulage yard, which was there in the 80s, 90s and stopped in around 2006 where development has been allowed on this land, and there is concrete hardstanding here, there were sheds here and large vehicles all associated with that haulage yard so he feels that the idea of a shed down this road is not out of character. He expressed the view that the word rural and semi-rural is used in the report a lot, which he does not disagree with, so in a rural and semi-rural area you would expect to see sheds and this application is for a shed.

Mr Hall made the point that there are no technical objections to this application, the shed is being reduced by nearly half, the concrete hardstanding is being broken up closest to the properties and there is a steam engine in the shed, a small ride-on tractor, grass cutter and a trailer.

Members asked questions of Mr Hall as follows:

- Councillor Mrs French referred to Mr Turner stating that there is no guttering on the building and asked why, is the building not finished, and if guttering is put on is it going into storage? Mr Hall responded that it is in the appeal that there are gullies in the hard standing that are then piped to a private ditch which is owned by the applicant. He stated that he did not see any downpipes so agrees with what Mr Turner said but does not think it is finished and the applicant could put a gutter on the back of the building, there is a gutter on the front which drains down the front and the concrete hardstanding is sloped to go into these gullies.
- Councillor Connor stated he was glad about the mention of a landscaping scheme and if this application is approved he would like to see this as a condition, with a good specimen of trees, bushes and hedges native to British species, which would help screen Mr Turner's property and other properties. He would also like to see big water butts there to catch any water, which could be reused. Mr Hall responded that the applicant would be happy to undertake a landscaping scheme, which would be undertaken by a landscape gardener and the concrete hardstanding to create the garden is being broken out nearest to neighbouring properties and that is why in the report, under Section 10.16, it says that the impact on 6A, 8, 8A and 10 is considered satisfactory by officers.
- Councillor Marks expressed confusion as there is a concreted area and they are hoping to take down nearly half a barn and asked why it is being looked at to put a grass area in there. He cannot see that any property can overlook that and see a concreted area or grass and questioned the reasoning for removing this concrete area, which may cause problems if removed, but understands about putting trees and plants on the border. Mr Hall responded that they read the appeal refusal and there were concerns about the length of the building and hardstanding so they have tried to lessen that impact on neighbouring residents and the amount of hardstanding shown is fractionally more than shown on the sketches just to try and mitigate against any perceived impacts on neighbours. He acknowledged that to break it out, there are below ground drains, there will be dust and noise and would be quite a lot of work but if the concrete hardstanding was left in that area

what would go there, no buildings, possibly parking.

- Councillor Marks asked for clarification about a wall that has been erected and questioned it being a new wall when the development was built? Mr Hall responded in the affirmative. Councillor Marks asked what height that would be? Mr Hall responded that he has not measured it but believes it to be 2.1 metres.
- Councillor Benney referred to distances between buildings and believes he was told by Mr Hall that the distances had to be 21 metres and asked if this was still an acceptable distance? Mr Hall responded that they are told between first floor windows and the neighbouring first floor windows it should be 20 metres and from the side of this reduced building to the nearest property would be 28 metres, but there are no windows in this reduced building.
- Councillor Imafidon referred to the hardstanding being broken up and this application not being the same as that appealed and dismissed but asked if there are any flood attenuation measures being proposed as Mr Turner said that his and his neighbours' properties flood by an inch of water. Mr Hall responded that the officer's report states that this could be secured by a condition and if they have to put in some more land drainage leading to the private ditch or a large soakaway they would agree to that via a condition.
- Councillor Connor asked if Mr Hall had anything further to say. Mr Hall responded that picking on what Councillor Johnson said about applications, this is the first application for the shed so there have been no refusals although there has been an appeal in relation to enforcement which was upheld.

Members made comments, asked questions and received responses as follow:

- Councillor Marks stated this is difficult as there are residents who have some issues but also somebody who has erected a shed for a purpose and is not running a business. He expressed the opinion that it cannot be seen from the roadway and can only be seen by the five residents and by reducing this the Inspector said it will help three properties. Councillor Marks stated that he can see both sides, the security angle of having a steam engine and it being under cover but can equally understand the residents' point of view. He feels the flooding issue is something that can be alleviated but is not convinced by ripping up some of the concrete is going to help matters, with it just creating more problems with dust and drainage.
- Councillor Benney made the point that this is an application for a shed, this is the first application and there has been discussions about it being put up without permission but he was advised when he first came on committee that you do not need permission to build anything, you can put it up and if the Council do not like it they can make you take it down so, therefore, he does not see that the applicant has done anything wrong, although he might have circumvented some of the planning that should have been undertaken. He expressed the view that this is an application for a shed, with the shed being 28 metres away from the nearest building which makes it compliant and within the realms of planning. Councillor Benney stated the concrete is there for a purpose, the steam engine would not fit in the other three garages and as much as the residents have a right to the enjoyment of their land so does the applicant. He made the point that steam engines only come out on nice days and there is not a lot of noise from that. Councillor Benney stated there has been an appeal but the appeal was for what is there and this application is for what is proposed and it needs to be balanced as the applicant has a right to his enjoyment of his land.
- Councillor Sennitt Clough expressed the view that there has been a lot of discussion about what the building is used for, which to a large extent is irrelevant, as the concerns were about the overshadowing and loss of light but from the revised plan this does not seem to present an issue given the 28 metres distance.
- Councillor Connor agreed with the comments of Councillor Benney, this steam engine will probably come out 3-4 times a year, it is a hobby and he is happy that almost 45% of the original building will be removed but is reticent to see the concrete being taken up as he cannot see why this needs to happen from an economic perspective as drains will need to be moved and no one else can see the vast amount of concrete that is there. He feels that the

applicant felt this was what was needed to get the most enjoyment and it looks to him that there is a proper drainage system on site. Councillor Connor expressed the view that the applicant should enjoy his hobby and is going a long way towards making it an application that he can support. He notes the agent has said that a proper landscaping scheme can be submitted and he feels that would help with native large trees so the shed cannot be seen in a few years' time. Councillor Connor stated that he does have some sympathy with the next-door neighbours but feels if this proposal is curtailed where does the applicant go as these large properties are brought for someone to enjoy their hobby and something of this value needs to be near.

- Councillor Mrs French stated that she agrees, she did not realise what hobby the applicant had and she does not think the shed looks finished but she is sure the applicant will put guttering up. She stated that she also agrees with not breaking up the concrete as that can do more damage and she will support the application.
- Councillor Benney expressed the opinion that it is a shame that it has taken this long to get this before committee but the enforcement on it has moved at the "speed of light" as there is a building in a prominent place in one Fenland town that has bits falling off it and the committee has been pushing this for years to get enforcement action taken on it, referring to others in Wisbech and March. He feels if the enforcement had not been so quick on this site an application could have been submitted before it got to the point of going down this long and expensive route and resolved a lot sooner. Councillor Benney reminded committee that a balanced view is needed on making a decision, with there being a compromise here which goes a long way to addressing what the residents want and also gives the applicant the enjoyment of his land. He feels that the application should be approved, the size of the shed has been reduced and he hopes both parties can find some common ground and learn to live with each other.
- Councillor Connor agreed that it should have been looked into 18 months ago and never got to this stage, it should have been a compromise where both parties could come to some common agreement. He stated that he will be supporting the application with the caveat that the concrete is left as it is as it will cause more trouble if it is broken up.
- Matthew Leigh stated that the hardstanding cannot be regularised as it is because that is not part of the submission so irrespective of members' position planning permission cannot be granted for something that is not part of an application. He added that each application or enforcement case is dealt with differently but as the agent has said this is the first application that the applicant has submitted and the applicant had an opportunity to submit an application, just like anyone would with an enforcement case, but this never happened so he does not think it is right to cast aspersions on the planning service for that situation. Matthew Leigh made the point that the enforcement notice was served and he accepts there was officer time and expense but that appeal was defended and the Inspector said the decision the Council made was correct. He added that looking at the planning history for the site this is the first application, the applicant did not submit an application previously and officers would have interacted with them and had conversations but nothing came forward so an enforcement notice was served which was successful at appeal.
- Councillor Benney stated that his comments were not aimed at Matthew, who was not the Head of Planning at that time, he has come into this and like committee is picking up the pieces of it. He accepts there are mistakes and referred to Planning Inspector reports, one of which was an Inspector on a gypsy site in one part of Fenland who agreed with the appeal and another one threw the appeal out and it was more or less exactly the same application as there are differences of opinions as so much of it is subjective.
- Councillor Marks made the point that this is the first application, had committee been presented with this today without seeing a whole big barn for hay and heard the different opposing arguments, would members have looked upon it favourably. He does not believe it is out of character where it is and on balance with the reduction he can support it, but does not feel the concrete breaking up should happen not due to cost but due to the issues it would present.

- Councillor Connor asked Matthew Leigh to clarify whether the concrete could be left as it is? Matthew Leigh stated that the application that has been submitted is for a certain level of hardstanding and permission cannot be granted for more than what has been submitted, which would be to retain hardstanding because retention is not development with the hardstanding that is there being unauthorised.
- Councillor Marks asked if the hardstanding is left as it is would the applicant have to submit a separate application just for the hardstanding? Officers indicated in the affirmative.
- Councillor Connor asked how much hardstanding would have to be taken up? Alan Davies responded that it amounts to 400 square metres, which is a third and was confirmed to be the green area on the plan.
- Councillor Marks asked if the applicant could submit another application for that as hard standing? Officers clarified that was the case.
- Councillor Connor summarised that if this application was granted today, the applicant could submit another application to retain the hardstanding and it would be determined either by the committee if it was not delegated for approval by officers.
- Councillor Benney made the point that this application either needs approval or refusing as it is which is reducing the shed and taking the concrete up and any change would have to come back as a separate application.
- Councillor Gerstner stated that he does not like concrete and he is sure the applicant will come to some agreement as to the best way to alleviate the small flooding issue that the neighbour may have and, in his view, by having earth back there and grass and landscaping it will alleviate some potential of that flooding happening.
- David Rowen referred back to Inspector's decision which is a material consideration when determining future proposals on a site, with the Inspector being appointed by the Secretary of State, so it is a decision by the Secretary of State when an appeal decision is received. He stated that in this particular case the Inspector identified and stated that buildings of this design and scale would be part of the landscape and streetscape in many rural areas where their scale and design would be a typical part of a working agricultural landscape, however, in this location with its small scale field pattern and its location abutting residential gardens, the building scale and utilitarian design conflicts with the domestic and semi-rural nature of the area, although visibility of the building from the road and from further afield is limited it is prominent from the adjoining residential land. David Rowen added that the Inspector went on to say the substantial concrete hardstanding is also of a scale and character more akin to that of an industrial estate or a modern working farmyard despite its limited visibility from public areas it would be prominent from the upper floors of adjacent dwellings and harm the rural character of the area. He stated that as part of the officer's report it has been identified that the potential changes to the building would perhaps overcome the relationships with 8, 8A and 8B but in relation to 10A and 10B the Inspector identified in relation to 10A that the building will be harmful to outlook despite the separation distance between the building and the rear of the dwelling and in terms of 10B it is harmful to outlook for occupiers of the dwelling notwithstanding the separation between the building and the rear of the dwelling. David Rowen continued that the Inspector also talked about providing landscaping with nature species suitable for a rural setting and sufficient to mitigate the effects of the scale of the building. He stated that in terms of members seeking to grant the application there are some issues that would need to be addressed in any proposal and in any reason for granting the application.
- The Legal Officer stated that he does not believe the Code of Conduct specifically addresses this precise scenario, but where there has been an effective refusal by the Council of planning permission in the sense that the Council served an enforcement notice with planning reasons why it should be refused and it has gone to appeal where the Inspector has endorsed that then great respect has to be accorded to that decision and the reasons for it albeit that this proposal is a smaller building than was intended. He added that members need to be mindful of the advice in the Code of Conduct.
- Councillor Marks stated that his understanding is that this initial Inspector's report was undertaken on what is seen on site today, which is not the application that is being

determined as the scale is at least 45% less, with the hardstanding being a separate issue and it is a subjective view. The Legal Officer responded that it is correct that what is before members today is a smaller building and that has to be taken into account as well.

- Alan Davies referred to the photo showing the view from 10B and stated that the biggest concern of this proposal was the impact on the amenity of the occupants of this property and once the northern part of this shed is demolished that view from 10B will not change. Councillor Benney disagreed as the impact will change as the building would be half the size it was. David Rowen made the point that the part of the building that is proposed to be removed is off the photo.
- Councillor Imafidon made the point even with the impact of the change it is still 28 metres from the nearest building. Alan Davies stated that in terms of the rear elevation of 10B to the east elevation of the proposed shed it would be approximately 28 metres.

Proposed by Councillor Benney, seconded by Councillor Marks and agreed that the application be GRANTED against the officer's recommendation, with authority delegated to officers to apply conditions to include a landscaping scheme.

Members do not support officers' recommendation of refusal of planning permission as they feel this is the first proposal considered by committee, there are two neighbours at variance and the proposal is a compromise between the two and whilst the Inspector's report has been taken into account the appeal was dismissed for a larger scale building and a different proposal.

(Councillor Benney declared that the agent has undertaken work for Chatteris Town Council and himself personally and that he knows the applicant, but he is not pre-determined and will consider the application with an open mind)

(Councillor Connor declared that he knows the applicant as he owns a scrap metal recycling yard and he used to own one but has since retired but he has never had any business dealings with him or socialised with the applicant. He further declared that he did meet with the applicant along with Councillor Marks on another matter that was not connected to any applications on the committee today. He stated that he is not pre-determined and will consider the application with an open mind)

(Councillor Marks declared that he met with the applicant once along with the Chairman but the meeting was not in relation to planning or planning issues and he does not know the applicant socially)

(Councillor Imafidon declared that the agent has undertaken work for him personally, but he is not pre-determined and will consider the application with an open mind)

(Councillor Sennitt Clough left the meeting after this application and was not present for the remaining items on the agenda)

**P128/24 F/YR24/0468/O
LAND SOUTH OF 116 - 122 NEW ROAD, CHATTERIS
ERECT UP TO 20 X DWELLINGS (OUTLINE APPLICATION WITH MATTERS
COMMITTED IN RESPECT OF ACCESS)**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from David Ward, an objector. Mr Ward expressed his surprise at seeing the documents on the screen as when the system is looked at it did not show Plot 14 on the layout plan on the western side of Green Park and it seems to have appeared again now so he is unsure whether Plot 14 is going ahead or not. He expressed the opinion that the applicant must think the Planning Committee is easily fooled as he provided committee with a street scene that purports to represent the west side

of this site, however, they have deliberately missed something, plot 14, which is a 5-bedroomed house and if shown the committee could have objected to this situation based on overshadowing, lack of privacy and character.

Mr Ward expressed the view that the applicant has shown a total disregard of rules and regulations and doubt he will build the 5-bedroom house or otherwise it would not have been missing from the street scene. He referred to the committee requesting that a survey of the site was undertaken due to the scrapyard that was there and when looking at the contamination surveys, of which there were 6, none of them bring together an examination of the site but are generalised systems and reports from places such as the British Geological Survey and the examination reports only show bore holes were dug by the Highways department when they built the bypass, which was nowhere near the scrapyard.

Mr Ward questioned why there was not a soil examination and a proper report added to the application as it has not provided the committee with evidence that the site was examined. He made the point that the committee also wanted to know whether the road was to be adopted, which the applicant has not provided, giving a picture of what was provided previously.

Mr Ward stated that the applicant said he has owned the property since 2002 when in fact the previous owner Mars Construction did a judicial review in 2003 and he does not believe they would have paid for a judicial review of somebody else's land. He expressed the opinion that the applicant has stated that he has 2 titles to the land, one of which is for the 3 metre wide dyke that ran behind all the bungalows but given this piece of land was originally unregistered the land application would have been applied for by just a statement of truth and he could not have disclosed on this piece of land that it was originally fenced off from his property and that it had been maintained by the residents for over 30 years, with several of the residents planting hedges and plants along the 3 metre strip and one has a permanent greenhouse there.

Mr Ward stated that on the map that has been provided the applicant has written that he is going to correct the boundaries but he does not have the computer skills to access the applicant's claim title to the previously unregistered strip of land to the statement of truth to see what was said and given the limited time between the notifying of this meeting he could not get a solicitor to look at it and he hoped officers would be able to look it up and see what was actually said. He expressed the opinion that the applicant has stated that the previous judicial review on this site is irrelevant but the site is exactly the same, the number of properties is the same and the only thing different from that review is the developer.

Mr Ward stated that committee told the agent on 2 April what information was needed to be submitted for the committee to fully consider this application and, in his opinion, the applicant has not provided it and given that the application legally expired on 4 April he requests the committee reject the application. He referred to Councillor Mrs French asking the agent at the previous committee meeting why the previous application was cancelled in 2010 and was told the applicant was probably busy with other properties but, in his view, the application was cancelled for two reasons, one of the reasons being that there was no access to mains drainage but that situation has changed now since they have built the estate opposite, Lancaster Way, but they will be in the same situation as they are now, with there being three trucks out there already this year taking the drainage away from the lowest point.

Mr Ward tried to refer in his second reason to the character of the applicant and what he termed as matters of fact. The Legal Officer warned Mr Ward that whatever he says at this meeting he is not protected by the laws of defamation and whatever is said about the character of the applicant has no bearing on this planning decision. Councillor Connor agreed that this was not relevant to decision making and he should not be detrimental to anyone.

Mr Ward continued that whilst the area is in Flood Zone 1 it is taking that massive amount of rain from three lanes of the bypass where the camber runs straight towards his buildings, which it is already doing with the development of Lancaster Way. He expressed the opinion that it is a ridiculous amount that is being expected under the Section 106, there are schools in Chatteris with not enough places and children are having to go to St Ives, there is a doctor's surgery that cannot cope and these development cannot kept being built.

Members asked questions of Mr Ward as follows:

- Councillor Imafidon requested clarification about the flooding from the highway and why does he think it floods, is it to do with there being no drainage on the highway? Mr Ward responded that there is no maintained drainage anymore along the highway this side, the other side is by Nightlayers and when the bypass was built had the camber been put towards the Nightlayers drainage they would not have any problems. He continued that before the bypass was built it was just a field and there were no problems but since it has been built they have a battle every year, with water even getting inside their property and people have spent thousands trying to solve the problem but nothing seems to solve it because there is so much water.
- Councillor Gerstner asked how far away he lived from the development? Mr Ward responded that the development is at the back of his property. Councillor Gerstner asked as far as the flooding of his and his neighbours properties does he ever take photographs or ring up Anglian Water to report as the more you report these things the more chances are that something will be done about it. Mr Ward responded that it has been reported dozens of times and he has letters from the Engineering department of Fenland District Council saying that it is not supported by Nightlayers, nobody has ever wanted to own it and everybody who has ever owned this piece of land have not wanted to know.
- Councillor Marks asked if he lived on Green Park? Mr Ward responded that he does behind what would be plot 14. Councillor Marks questioned plot 14 being missing from plans as it is on the plan on screen now so asked when he believed it was not there? Mr Ward responded that he has a screen print that does not show plot 14 but it is there now.
- Councillor Connor expressed his surprise at what was said in relation to contamination and that no bore holes were made as even in 2005 when that contamination report was made that is what they do, those bore holes are measured and taken away for sampling by a registered provider and a report is provided on what contamination there is, if any, and it would have to be dug up, taken to a reclamation place and virgin soil put back on the land. Mr Ward responded that it has been rumours that nobody would go on the site to undertake the sampling so a computer sweep has been relied on going through the geological surveys, DEFRA and everywhere else.

Members received a presentation, in accordance with the public participation procedure, from Lee Bevens, the agent. Mr Bevens made the point that members discussed this scheme at length at the last planning committee meeting and requested that he provide answers on queries about the road, refuse collection, boundary confirmation, the judicial review, contamination and the dwelling mix and scale. He stated that he has provided officers with a comprehensive update statement on 9 April and this was uploaded to the Council's website on 15 April, which he is sure members would have read and the officer has highlighted the pertinent points in the update contained within the application report.

Mr Bevens expressed the opinion that he has clarified the issues raised within the road and the access for refuse vehicles discussing how they went through the process with Highways and the road has all been designed to adoptable standards even though it is not committed at this stage. He feels he has clarified the issue with the boundary and title ownership, obtaining the titles from the client and he has been told by the client that they own all the land and have served notices on some of the residents on Green Park because they have overstepped their boundary.

Mr Bevens expressed the view that he has clarified contamination concerns which he thinks one of the councillors raised and his client has spent over £100,000 on decontaminating the site in 2007 and there is a completion certificate to say the site is clean. He stated that he has also provided clarification on the scale and mix, with the indicative elevations being shown on the presentation screen which does show that the intention is to put bungalows on the Green Park boundary although this is not committed.

Mr Bevens stated that there was a specific drainage strategy undertaken for this site and the surface water has been dealt with, with there being no issues with the LLFA and Anglian Water and as a reserved matters scheme comes forward that will be looked at again specifically for the number of units on the site. He asked that committee follows the officer's recommendation and approve the application.

Members asked questions of Mr Bevens as follows:

- Councillor Connor referred to the proposed access road on the site and that they are thinking of making it up to adoptable standards, making the point that he does not want a repercussion of what has happened in other parts of Fenland and asked that comfort be given to him so that he does not have to propose a condition on this application. Mr Bevens responded that the scheme before committee has only committed the access and until a reserved matters application comes forward he cannot give the certainty about the adoptability of the road as the layout is indicative which has been designed with Highways to be to adoptable standards and if this is implemented then the developer would create it to adoptable standards. He continued that it has shared surface access and the coloured strips are raised tables to reduce the speed of the road, there are turning heads and tracking has been provided for refuse vehicles, which would indicate that it is to be to adoptable standards. Mr Bevens stated that when a reserved matters comes forward he is sure that it will be dealt with to an adoptable standard by the developer and will probably come before committee again to determine. Councillor Connor stated that he hopes he is on committee when that does get submitted as he will be pressing for a Section 38 Agreement to bring it to an adoptable standard.
- Councillor Connor thanked Mr Bevens for working very hard to bring this back to the next committee and he feels the questions that he and other members had have been reasonably well addressed.
- Councillor Imafidon acknowledged that this is outline application but asked about the drainage the objector referred to? Mr Bevens made the point that the objector is a resident of Green Park and they know the site better than he does, however, their drainage consultants worked with Anglian Water and have designed it so that there are no reasons to refuse it at this stage. He added that the reserved matters application that comes forward will determine the number of units on the site and he feels that it may be less than 20, but 20 is the maximum being proposed, which will alleviate those drainage concerns.
- Councillor Connor stated he is disappointed that only £2,000 per house in contributions is being offered but acknowledged that there is little that can be done about this unless there is a voluntary contribution. Mr Bevens made the point that these are rules they are working within and thanked David Rowen for assisting him with getting the application back to committee so quickly.

Members made comments, asked questions and received responses as follows:

- Councillor Mrs French expressed the opinion that the agent has done what has been asked of him.

Proposed by Councillor Mrs French, seconded by Councillor Imafidon and agreed that the application be GRANTED as per the officer's recommendation.

(Councillor Benney declared that he met with residents regarding this site when he first became a councillor and took no part in the discussion and voting thereon)

(Councillor Marks declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he attends Chatteris Town Council meetings but takes no part in planning)

P129/24 **F/YR24/0828/VOC**
32 WIMBLINGTON ROAD, DODDINGTON
VARIATION OF CONDITION 16 (LIST OF APPROVED PLANS), RELATING TO
PLANNING APPROVAL F/YR23/0539/O (ERECT UP TO 4 X DWELLINGS
(OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF
ACCESS AND LAYOUT), INVOLVING THE DEMOLITION OF EXISTING
DWELLING AND STORAGE BUILDINGS) RELATING TO CHANGES TO LAYOUT
OF PLOTS 2, 3 AND 4, ROADWAY AND TREES

Alan Davies presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall stated that this site already has approval for 4 dwellings and they just wish to vary the layout of three of the plots, with there being no additional plots applied for. He continued that the reason for the variation is because there is a new buyer for the site and they want to vary the layout slightly, but there are the same number of plots and bedrooms.

Mr Hall advised the plot 1 remains the same, plots 2 and 3 are very similar to what has been approved and they were contacted by Doddington Grange with some concerns and he spoke with them overcoming their concerns, with the wildlife run to the rear of the site being maintained so it adjoins the adjacent pond. He stated that indicative layouts were submitted of what the dwellings would be to assist the officer and plot 4, where the concern is from neighbours, the first-floor windows would be 20 metres away and those three indicative windows which face Witchford Close are for a bathroom and two en-suites so they would be frosted glass.

Mr Hall made the point that there are no technical objections to the application.

Members asked questions of Mr Hall as follows:

- Councillor Gerstner asked, if this is granted, is there a timescale when the development might be started? Mr Hall responded that if this is granted there would need to be a detailed reserved matters application, which is ready, and would take 2-3 months. He stated that the bungalow on site has already been demolished by the previous owner and the new owners are keen to start, with one of the owners going to live in plot 4.

Members made comments, asked questions and received responses as follows:

- Councillor Connor stated that he cannot see anything wrong with this application, with plot 4 windows all being frosted glass to bathrooms.

Proposed by Councillor Marks, seconded by Councillor Imafidon and agreed that the application be GRANTED as per the officer's recommendation.

(Councillor Benney declared that the agent has undertaken work for Chatteris Town Council and himself personally, but he is not pre-determined and will consider the application with an open mind)

(Councillor Imafidon declared that the agent has undertaken work for him personally, but he is not pre-determined and will consider the application with an open mind)

P130/24 **F/YR25/0145/F**
LAND TO THE WEST OF 167 GAUL ROAD, MARCH
ERECT 2 X SELF-BUILD/CUSTOM BUILD DWELLINGS INCLUDING FORMATION
OF A NEW ACCESS

Alan Davies presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall made the point that this site already has an extant planning approval for a larger dwelling and garage that was approved by committee in April 2023, which was also recommended for refusal by officers. He stated that this application is for two smaller dwellings for the applicant's two sons who are looking to build their own properties, they are from March and it will allow them to stay in March being in rented accommodation currently and both sons work in the family business as builders, with the business having yards at Whittlesey Road, March and Eastwood End, Wimblington.

Mr Hall referred to the history of the site in the officer's report, with there being an application at this site for a pair of properties refused but, in his view, this application is materially different from that, which was for semi-detached properties with one access, and matches in better with the larger development to the east. He made the point this proposal is two detached properties, single access with parking at the side, larger gardens and they are trying to match in with the adjacent built out development.

Mr Hall expressed the view that the extant approval on the site of bespoke design does not match in with that character of the area and they have tried to match in with the area with smaller properties. He stated that as was seen on the photos all along the front of the site to the bypass and back right into the centre of March there is a footpath linking this site and the surrounding sites altogether.

Mr Hall referred to the report mentioning intensification of this site compared to the current approval, however, the current approval for a large dwelling and garage gives a roof area of 160 square metres but this proposal for 2 smaller properties gives a roof area, including the porch, of 156 square metres so there is less floor and roof area. He stated that since that first application was refused all along the opposite side of this road 55 dwellings have been approved, which is being built out and with the site where it is they would be happy to accept a landscaping condition and they can also provide some biodiversity features for the site.

Mr Hall made the point that earlier at this committee there have been caravans in Flood Zone 3 approved and previously in Wisbech next to a major river that had an historical approval on and this site has a current approval on it. He stated that there have been no objections from any members of the public, no technical objections, this proposal is for smaller properties, there is material change and there is an extant approval on this site, which is being looked at to vary.

Members made comments, asked questions and received responses as follows:

- Councillor Marks remembers approving the last application on this site and moving from one to two he feels makes minimal impact and is probably better land usage.
- Councillor Benney made the point that the site could be built on today so feels that one or two makes no difference. He expressed the view that something smaller provides more homes for people and feels it will improve the street scene by having two, which is more in keeping with the area.
- Councillor Connor agreed, he thinks it will improve the street scene and it is more in keeping with the properties further along the road and opposite.
- Councillor Imafidon feels it is important to note that it is going to house local families in the area and keep them closer to their business. Matthew Leigh made the point that this is not a material consideration.

Proposed by Councillor Marks, seconded by Councillor Imafidon and agreed that the application be GRANTED against the officer's recommendation, with authority delegated to officers to apply conditions.

Members do not support officer's recommendation of refusal of planning permission as they feel the visual relationship clearance between sites is subjective, the design and scale of the properties would not adversely impact the street scene as it would match what is existing and in relation to Flood Zone 3 permission already exists for development on this site.

(Councillor Benney declared that the agent has undertaken work for Chatteris Town Council and himself personally, but he is not pre-determined and will consider the application with an open mind)

(Councillor Mrs French declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she is a member of March Town Council but takes no part in planning. She further declared that the applicant is one of the sponsors for March events and took no part in the discussion or voting thereon)

(Councillor Imafidon declared that the agent has undertaken work for him personally, but he is not pre-determined and will consider the application with an open mind)

**P131/24 F/YR24/0996/F
LAND NORTH OF 70 STATION ROAD, MANEA
ERECT 1 X SELF-BUILD/CUSTOM BUILD DWELLING INVOLVING THE
FORMATION OF AN ACCESS**

Alan Davies presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall expressed the opinion that this site is an ideal infill development set between residential properties and there are no concerns raised in the report in this regard. He stated the site has not been used for agricultural land for over 50 years and in the last 10 plus years it has been used as part of the adjacent business for a forecourt area for selling cars and there is also a portacabin that has been on there for around 15 years and it has not been used as part of the garden for over 20 years.

Mr Hall stated that directly on the opposite side of this site 14 dwellings were approved in Flood Zone 3 in 2013 when the previous Local Plan was being superseded and the new emerging Local Plan was being referenced to. He feels when you visit the site on Station Road and view this site against the larger development with some large houses on the opposite side, this site is about ½ metre higher yet both sites are in Flood Zone 3 and within the independent flood risk report he submitted it states that the site is protected by the Middle Level barrier bank which was not considered during the preparation of the Environment Agency Flood Maps and when the Middle Level barrier bank is considered the site has a low probability of flooding and the development is considered to pass the sequential test.

Mr Hall stated that directly to the north of this site and abutting this site, planning approval was given by members in 2023 for up to 9 dwellings all in Flood Zone 3. He referred to the Google map which clearly shows it is within the built-up form of Manea, with the site just referenced being directly all to the north-east of this site and attempted to hand out a document that showed other sites in Manea that have been given approval in Flood Zone 3 in the last 3 years marked in blue.

Matthew Leigh interjected and stated that officers cannot fully assess what is being given out, members are allowed to accept it in theory but they need to give it the weight that officers have no

ability to assess it and it could have been given to officers prior to the committee meeting. He feels it is intentionally being given out so officers are unable to comment on it and it needs to be given the appropriate weight.

Councillor Connor asked if members wanted to look at this document? Councillor Mrs French expressed the view that the choices are it is either looked at or not or the application is deferred. Councillor Marks expressed the opinion that it is known about flood zones in Manea and what has happened in the past with reference to Manea's history and he does not think looking at it on a piece of paper is going to help much. He feels that the agent could perhaps tell members roughly the number of properties he believes have been passed in Flood Zone 3 in the past three years and that will suffice.

Mr Hall continued that looking at the map there has been 9 approved in 2023 in the area directly to the north-east, at last month's committee there were 3 approved in Flood Zone 2 and 3 at Westfield Road, there was a larger dwelling approved in 2021 in Westfield Road right at the corner, there were 2 plots approved at Fallow Corner Drove and another 5 plots approved right at the end of Fallow Corner Drove in Flood Zone 3 and a further dwelling approved opposite that. He made the point that there are no technical objections, Manea Parish Council support the application and there are no objections from members of the public, with the site clearly being within the built-up form of Manea and, in his view, is ideal infill development.

Members asked questions of Mr Hall as follows:

- Councillor Marks expressed surprise that the application is not for a bungalow as there are a number of bungalows along here and asked if a bungalow would have fitted on the site? Mr Hall responded that a bungalow could have sat on the site but as it is in a flood zone they have to have bedrooms on the first floor so that ruled out a bungalow and that is why it was kept to a chalet to keep it relatively low with bedrooms at first floor.
- Councillor Gerstner referred to mention historically that it has been a car sales business and asked when this was? Mr Hall responded that the applicant owns the house directly to the south and the car servicing/repair garage further to the south and the forecourt has been there for 10-15 years selling cars. He stated that there were no cars when he visited last year but believes before then the last year or two cars were still being sold here. Mr Hall advised that there is also a portacabin that has been site for 15 plus years which was in connection with the car business. Councillor Gerstner asked if it would not be prudent to undertake a decontamination type test on this site? Mr Hall responded that if the application is approved a condition could be applied about undertaking a contamination report.

Matthew Leigh referred to the agent's comments regarding the independent flood risk assessment, that was dated September 2024 where it states that taking into account existing flood defences it would be safe but in March 2025 there was a High Court decision in relation to a site in Suffolk and a decision was quashed where the council had considered that because of existing flood risk defences there was not a need to undertake a sequential test or that it would be acceptable. He made the point, therefore, that irrespective of what is in this report it predates a piece of case law which now state that this is incorrect.

Members made comments, asked questions and received responses as follows:

- Councillor Marks stated this is within his ward and he drives past it most days, the car sales finished approximately 3 years ago and no vehicles were parked out there in disrepair it was always kept very much as a clean car sales area and gravelled. He referred to the agent saying, rightly, that it is in Flood Zone 3, however, permission has been given to other applications in the vicinity and when there has been flooding in Manea that has not been the areas that have been flooded and there are pump stations across the road. Councillor Marks expressed the view that he cannot see anything wrong with this application and thinks it makes a good use of that land, tidying it up. He is surprised it is not a bungalow as he would have backed a bungalow as there are more bungalows along the road but feels it

will free up another house for families.

- Councillor Gerstner acknowledged the comments of Councillor Marks, but made the point that the fact is that a sequential test has not been undertaken correctly.
- Matthew Leigh made the point that if it was a bungalow it would probably have failed the exceptions test being in a flood zone as there would not have been anywhere to escape to. Councillor Marks recognised this but made the point if it had been a bungalow he would have still supported it.
- David Rowen referred to comments from the Environmental Health Team who say it is unlikely that the site would be affected by ground contamination and they are not recommending any condition.
- Councillor Mrs French made the point that if it was car sales it would not have any contamination but if it was car repairs it would.

Proposed by Councillor Marks, seconded by Councillor Imafidon and agreed that the application be GRANTED against the officer's recommendation, with authority delegated to officers to apply condition in consultation with Councillor Marks.

Members do not support officer's recommendation of refusal of planning permission as they feel that other recent applications have been approved in Flood Zone 3 and this is an infill development.

(Councillor Marks declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Manea Parish Council but takes no part in planning. He further declared that the next door neighbour to this site works for him)

(Councillor Benney declared that the agent has undertaken work for Chatteris Town Council and himself personally, but he is not pre-determined and will consider the application with an open mind.)

(Councillor Imafidon declared that the agent has undertaken work for him personally, but he is not pre-determined and will consider the application with an open mind)

P132/24 CONFIDENTIAL - PREVIOUS MINUTES

The confidential minutes of the meeting of 2 April 2025 were confirmed and signed as an accurate record.

(Members resolved to exclude the public from the meeting for this item of business should it need to be discussed on the grounds that it involved the disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972)

7.06 pm

Chairman